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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,354	03/23/2004	Gregg R. Espenshade	061270-0917	3968

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LEMPIA IP GROUP, LLC  
223 WEST JACKSON BLVD.  
SUITE 1100, BROOKS BLDG.  
CHICAGO, IL 60606

EXAMINER

PHAN, HAU VAN

ART UNIT PAPER NUMBER

3618

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,354

Applicant(s)

ESPENSHADE, GREGG R.

Examiner

Hau V. Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 21-24 and 26 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Acknowledgment*

1. The request for continues examination filed on 5/31/~~2006~~ has been entered.

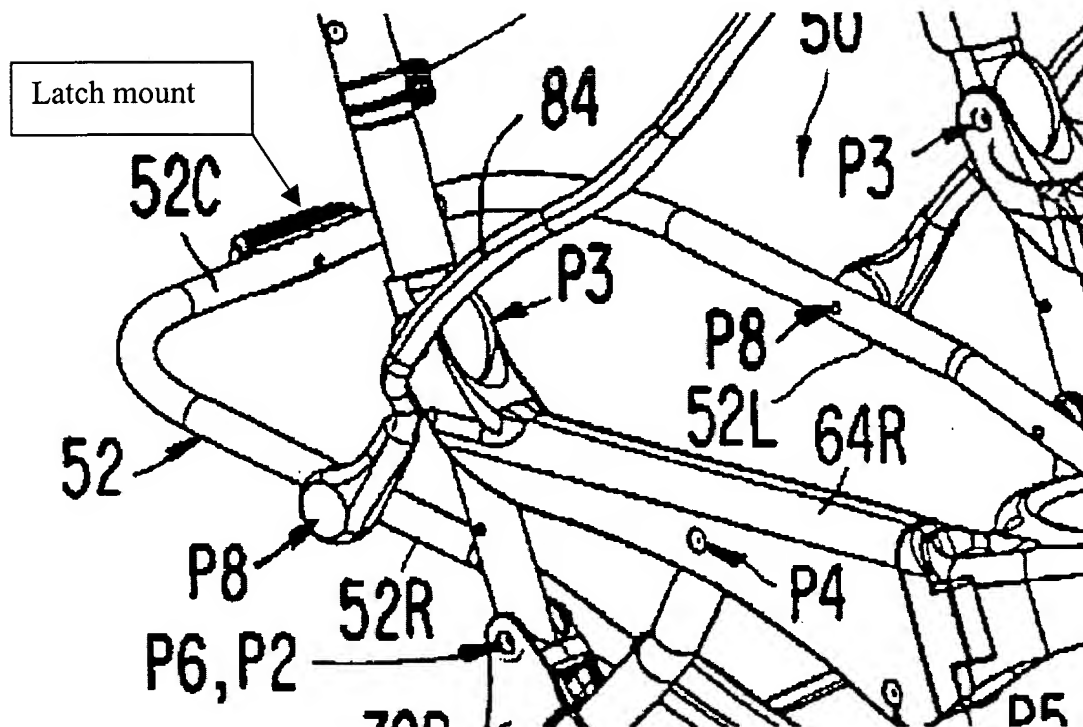
### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, 8-11, 21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartenstine et al. (6,478,327) in view of Takahashi et al. (4,923,208).**

Hartenstine et al. in figures 1-1A, disclose a stroller comprising a stroller frame, a basket frame (52) including a pair of arms (52R, 52L) mounted to the stroller frame and a rear cross member (52C) extending between the pair of arms. Hartenstine et al. also disclose a latch mount (as shown in figure 1) coupled to the rear cross member, a basket (5) mounted to move relative to the basket frame. Hartenstine et al. fail to show a latch coupled to the basket to releasably engage the latch mount, thereby allowing the basket to move between a closed position and an open position relative to the basket frame.



Takahashi et al. in figures 1-3, 20-21. teach a baby carriage comprising a basket (72) having a latch or a stopper (8). The latch includes a flange-shaped engagement portion (81), which can be engaged a latch mount. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the basket of Hartenstine et al. with the baby carriage having basket, which includes a latch as taught by Takahashi et al. in order to allow the basket to move between close and open positions.

Regarding claim 2, Hartenstine et al. disclose the basket including an upper rim mounted to pivot relative to the basket frame, and the latch is coupled to the upper rim of the basket.

Regarding claim 3, Takahashi et al. teach the basket further including an enclosure (5) coupled to the upper rim.

Regarding claim 4, Takahashi et al. teach the latch including at least one flange configured to be coupled to the upper rim of the basket.

Regarding claim 5, Hartenstine et al. disclose the stroller frame including a handle assembly having a pair of push arms, and each arm of the basket frame is pivotally coupled to a respective push arm of the handle assembly.

Regarding claim 6, Hartenstine et al. disclose the stroller frame including a pivot extending between each arm of the basket frame and each respective push arm.

Regarding claim 8, Takahashi et al. teach the latch including a resilient spring member to releasably engage the latch mount.

Regarding claim 9, Takahashi et al. teach the latch that is generally U-shaped and includes a plate opposite the resilient spring member.

Regarding claim 10, Takahashi et al. teach the latch mount including a pocket having an upwardly facing shoulder, and the latch includes resilient spring member adapted to releasably engage the shoulder.

Regarding claim 11, Takahashi et al. teach the latch mount including a channel, and the rear cross member of the basket frame extends through the channel.

4. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al (2002/0109321).

Turner et al. in figure 1, disclose a stroller comprising a stroller frame, a basket frame mounted to the stroller frame and a basket (40) including a large storage cavity (70) and a smaller expandable cavity (72). The basket is move between close position and an open position relative to the basket frame. Wherein, when the basket is moved

to the open position, the basket moves downward from the basket frame and forward relative to rear of the basket frame and wherein, when the basket is in the open, access to an interior of the basket is provided between the basket and the basket frame.

***Allowable Subject Matter***

5. Claim 25 is allowed.
6. Claims 7 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-11, 21-26 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan  
Primary Examiner  
Art Unit 3618



7/11/06